

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ROMAINE GIVINGS
5404 Arlington Street
Philadelphia, PA 19131

v.

FLAGSHIP CONDOMINIUM ASSOCIATION
60 North Maine Avenue
Atlantic City, NJ 08401

And

FANTASEA RESORTS
60 North Maine Avenue
Atlantic City, NJ 08401

Civil Action No.

NOTICE OF REMOVAL

Defendants, Flagship Condominium Association and Fantasea Resorts, by and through its attorneys, Campbell, Lipski & Dochney, hereby remove this action pursuant to 28 U.S.C. §1441(b) based upon jurisdiction pursuant to 28 USCA §1332 and in support thereof avers the following:

1. On November 29, 2018, Plaintiff, Romaine Givings, commenced this action by way of a Writ of Summons docketed in the Philadelphia County Court of Common Pleas under November 2018 Term, No. 03277. A true and correct copy of the Writ is attached hereto as Exhibit "A".

2. On December 6, 2018, Defendant, Flagship Condominium Association and FantaSea Resorts were served via certified mail with the Writ at their address of 60 North Maine Avenue, Atlantic City, New Jersey 08401. A true and correct copy of the Proofs of Service is attached hereto as Exhibit "B".

3. Plaintiff is a citizen and resident of the state of Pennsylvania, residing at 5404 Arlington Street, Philadelphia, Pennsylvania. (Exhibit "A").

4. Defendants, Flagship Condominium Association and FantaSea Resorts are business entities existing in New Jersey with a principal place of business located at 60 North Maine Avenue, Atlantic City, New Jersey 08401.

5. Upon information and belief, Plaintiff seeks compensation for personal injuries allegedly resulting from a premises fall accident that occurred on September 23, 2018, in the City of Atlantic City, New Jersey. See Exhibit C, a copy of Civil Cover Sheet.

6. Plaintiff demands damages in excess of fifty thousand dollars (\$50,000.00). (Exhibit "C" – without admission thereto).

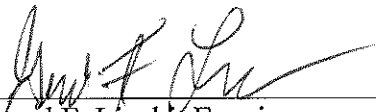
7. Upon information and belief, Plaintiff's damages recoverable may exceed the sum of \$75,000.00 exclusive of interests and costs. Plaintiff's counsel has advised the undersigned verbally that Plaintiff suffered a fractured hip.

8. This matter is removable pursuant to 28 U.S.C.A. §1441(b) as there is complete diversity of citizenship between the parties. Plaintiff is a citizen of the state of Pennsylvania. Defendants, Flagship Condominium Association and FantaSea Resorts are business entities existing with a principal place of business in the state of New Jersey.

9. The removal of this matter from state to federal court is proper under 28 U.S.C.A. §1446 where the initial filing sets forth the claim for relief upon which the action is based and where the Writ was filed less than thirty (30) days prior to the date this Notice of Removal was filed.

10. The named Defendants are represented by the undersigned. There are no other Defendants whose consent is necessary to removal of this action.

WHEREFORE, notice is hereby given of removal of the above matter from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.



Gerard F. Lipski, Esquire
Attorney I.D. 41600
CAMPBELL, LIPSKI & DOCHNEY
2000 Market Street – Suite 1100
Philadelphia, PA 19103
(215) 861-6700
Attorney for Defendants

VERIFICATION

Gerard F. Lipski, hereby states that he is the attorney of record Defendants in this action and verifies that statements made in the foregoing Notice of Removal are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.



Gerard F. Lipski, Esquire

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ROMAINE GIVINGS
5404 Arlington Street
Philadelphia, PA 19131

v.

FLAGSHIP CONDOMINIUM ASSOCIATION
60 North Maine Avenue
Atlantic City, New Jersey 08401

And

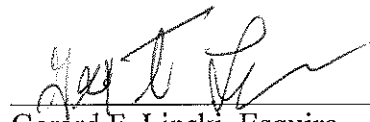
FANTASEA RESORTS
60 North Maine Avenue
Atlantic City, New Jersey 08401

Civil Action No.

CERTIFICATE OF SERVICE

I, Gerard F. Lipski, Esquire, hereby certify that a true and correct copy of the within
Notice of Removal of Defendants was served on all counsel of record at the below addresses on
December 19, 2018 via facsimile:

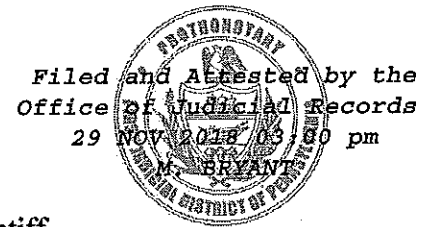
Matthew L. Solomon, Esquire
Dion, Solomon
1801 Market Street, Suite 606
Philadelphia, PA 19103



Gerard F. Lipski, Esquire
Attorney I.D. 41600
CAMPBELL, LIPSKI & DOCHNEY
2000 Market Street – Suite 1100
Philadelphia, PA 19103
(215) 861-6700
Attorney for Defendants

EXHIBIT A

DION, SOLOMON & SHAPIRO L.L.C.
By: MATTHEW L. SOLOMON, ESQUIRE
Identification No. 313588
Suite 606, Ten Penn Center
1801 Market Street
Philadelphia, PA 19103
(215) 561-0877
msolomon@dionsolomon.com



Attorney for Plaintiff

ROMAINE GIVINGS
5404 Arlington Street
Philadelphia, PA 19131
Plaintiff

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

v,

NOVEMBER TERM, 2018

FLAGSHIP CONDOMINIUM
ASSOCIATION
60 North Maine Avenue
Atlantic City, NJ 08401
and
FANTASEA RESORTS
60 North Maine Avenue
Atlantic City, NJ 08401
Defendants

NO.:

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above captioned civil action.

DION, SOLOMON & SHAPIRO, L.L.C.

BY:


MATTHEW L. SOLOMON, ESQUIRE
Attorney for Plaintiff

DATED: November 29, 2018

Summons
Citation

Commonwealth of Pennsylvania
COUNTY OF PHILADELPHIA

Romaine Givings

Plaintiff

vs.

Flagship Condominium Association, et al.

Defendant

COURT OF COMMON PLEAS

NOVEMBER Term, 2018

No. _____

To¹

Flagship Condominium Association

Fantasea Resorts

Writ of Summons

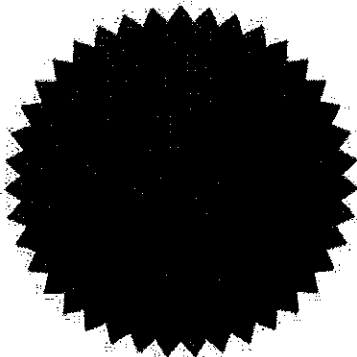
You are notified that the Plaintiff²

Usted esta avisado que el demandante

Romaine Givings

Has (have) commenced an action against you.

Ha (han) iniciado una accion en contra suya.



ERIC FEDER

Director, Office of Judicial Records

By: _____

Date: _____



¹ Name(s) of Defendant(s)

² Name(s) of Plaintiff(s)

Court of Common Pleas

November Term, 20 18

No. _____

Romaine Givings
Plaintiff

vs.

Flagship Condominium Association, et al.
Defendant

SUMMONS

EXHIBIT B

DION, SOLOMON & SHAPIRO L.L.C.
By: MATTHEW L. SOLOMON, ESQUIRE
Identification No. 313588
Suite 606, Ten Penn Center
1801 Market Street
Philadelphia, Pa 19103
(215) 561-0877



Attorney for Plaintiff

ROMAINE GIVINGS
Plaintiff

v.

FLAGSHIP CONDOMINIUM
ASSOCIATION, ET AL.
Defendants

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

NOVEMBER TERM, 2018


No.: 3277

AFFIDAVIT OF SERVICE

MATTHEW L. SOLOMON, ESQUIRE, being duly sworn accordingly to law deposes and says that on December 6, 2018, via regular and certified mail served upon Defendant, Flagship Condominium Association, a true and correct copy of the Writ of Summons and Plaintiff's Request for Production of Documents Directed to Defendant Flagship Condominium Association.

MATTHEW L. SOLOMON, ESQUIRE
Attorney for Plaintiff

DATED: December 10, 2018

<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>	
<p>1. Article Addressed to:</p> <p><i>Flagship Condominium Association</i> <i>60 North Maine Avenue</i> <i>Atlantic City, NJ 08401</i></p> <p></p> <p>9590 9402 3886 8060 9298 74</p>		<p>B. Received by (Printed Name) <i>Marjellen P.</i></p> <p>C. Date of Delivery <i>12/6/18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7017 2620 0000 0144 4750</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

DION, SOLOMON & SHAPIRO L.L.C.
By: MATTHEW L. SOLOMON, ESQUIRE
Identification No. 313588
Suite 606, Ten Penn Center
1801 Market Street
Philadelphia, Pa 19103
(215) 561-0877



Attorney for Plaintiff

ROMAINE GIVINGS
Plaintiff

v.

FLAGSHIP CONDOMINIUM
ASSOCIATION, ET AL.
Defendants

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

NOVEMBER TERM, 2018

No.: 3277

AFFIDAVIT OF SERVICE

MATTHEW L. SOLOMON, ESQUIRE, being duly sworn accordingly to law deposes and says that on December 6, 2018, via regular and certified mail served upon Defendant, Fantasea Resorts, a true and correct copy of the Writ of Summons and Plaintiff's Request for Production of Documents Directed to Defendant Fantasea Resorts.

MATTHEW L. SOLOMON, ESQUIRE
Attorney for Plaintiff

DATED: December 10, 2018

<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <u>Deer</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><u>Fantasee Resorts</u> <u>60 North Maine Avenue</u> <u>Atlantic City, NJ 08401</u></p>		<p>B. Received by (Printed Name) <u>Marjellen P.</u></p>	<p>C. Date of Delivery <u>12/6/18</u></p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7017 2620 0000 0144 4743</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</p>		<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	

EXHIBIT C

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
NOVEMBER 2018	003277
E-Filing Number: 1811059613	
PLAINTIFF'S NAME ROMAINE GIVINGS	DEFENDANT'S NAME FLAGSHIP CONDOMINIUM ASSOCIATION
PLAINTIFF'S ADDRESS 5404 ARLINGTON STREET PHILADELPHIA PA 19131	DEFENDANT'S ADDRESS 60 NORTH MAINE AVENUE ATLANTIC CITY NJ 08401
PLAINTIFF'S NAME	DEFENDANT'S NAME FANTASEA RESORTS
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 60 NORTH MAINE AVENUE ATLANTIC CITY NJ 08401
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2
COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Other: _____
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PROTHONOTARY NOV 29 2018 M. BRYANT </div>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ROMAINE GIVINGS</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MATTHEW L. SOLOMON	ADDRESS 1801 MARKET STREET SUITE 606 PHILADELPHIA PA 19103
PHONE NUMBER (215) 561-0877	FAX NUMBER (215) 561-3557
SUPREME COURT IDENTIFICATION NO. 313588	E-MAIL ADDRESS msolomon@dionsolomon.com
SIGNATURE OF FILING ATTORNEY OR PARTY MATTHEW SOLOMON	DATE SUBMITTED Thursday, November 29, 2018, 03:00 pm